IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.
ORIGINAL JURISDICTION

Dated: Nainital: the 2nd day of July 2003

Bail application no. 509 of 2003

Order on the bail application of accused.

CRIMINAL SIDE

Roshan Lal S/o Sri Moti Ram,
R/o village Shail Patal Devi, Almora,
District – Almora. ----- accused Applicant.

Versus

State of Uttaranchal ------Opposite party

Arising out of case crime no.2403 of 2002 (S.T. NO. 48/2002)
U/s 302, 307, 452, 504 IPC.
P.S. Kotwali Almora
District Almora.

By the court

Hon'ble M.M.Ghildiyal J.

Heard P.N.M. Singh learned counsel for the applicant, learned A.G.A. and Sri Kailash Tewari learned counsel for the complainant.

Learned Counsel for the applicant has submitted that the FIR was ante-timed, because the incident took place on 11.11.2002 at 8:00 p.m. but the time mentioned in lodging the FIR is 9:30 p.m. The special report was received by C.J.M. on 13.11.2002.

Learned A.G.A. has filed counter affidavit. He has submitted that the special report was sent through special messenger on 12.11.2002 to the C.O., Almora which was received by C.J.M. on 13.11.2002. There are injured eye-witnesses. The name of the applicant is mentioned in the FIR. Learned A.G.A. has also cited the case of Kilendar and others Vs. State 2003 CAR, 1987. It is submitted that the prosecution witnesses have been examined.

In view of the above, it is not a fit case for bail. Rejected.

However, the Sessions Judge, Almora is directed to conclude the trial within a period of six weeks.

(M.M.Ghildiyal, J.)

02.07.2003:
NCM: